

SENATE FINANCE COMMITTEE

April 14, 2021

2:11 p.m.

[2:11:59 PM](#)

CALL TO ORDER

Co-Chair Bishop called the Senate Finance Committee meeting to order at 2:11 p.m.

MEMBERS PRESENT

Senator Click Bishop, Co-Chair
Senator Bert Stedman, Co-Chair
Senator Lyman Hoffman
Senator Donny Olson
Senator Natasha von Imhof
Senator Bill Wielechowski
Senator David Wilson

MEMBERS ABSENT

None

ALSO PRESENT

Erin Shine, Staff, Senator Click Bishop.

PRESENT VIA TELECONFERENCE

Andrew Dunmire, Legislative Counsel, Legislative Legal Department; Megan Wallace, Director, Legislative Legal Services, Alaska State Legislature. Alexei Painter, Director, Legislative Finance Division.

SUMMARY

CSHB 76(FIN)am

EXTENDING COVID 19 DISASTER EMERGENCY

CSHB 76(FIN)am was HEARD and HELD in committee for further consideration.

#hb76

CS FOR HOUSE BILL NO. 76(FIN) am

"An Act extending the January 15, 2021, governor's declaration of a public health disaster emergency in response to the novel coronavirus disease (COVID-19) pandemic; approving and ratifying declarations of a public health disaster emergency; providing for a financing plan; making temporary changes to state law in response to the COVID- 19 outbreak in the following areas: occupational and professional licensing, practice, and billing; telehealth; fingerprinting requirements for health care providers; charitable gaming and online ticket sales; access to federal stabilization funds; wills; unfair or deceptive trade practices; meetings of shareholders; and school operating funds; relating to informed consent for COVID-19 vaccines; relating to personal objections to the administration of COVID-19 vaccines; providing immunity from liability and disciplinary action for occupational licensees for exposure of clients to COVID-19; providing immunity from liability for persons engaging in business and their employees for exposure of customers to COVID-19; and providing for an effective date."

2:12:32 PM

Co-Chair Bishop discussed housekeeping and the amendment process.

[**note** to self: Erin later references the Hyde amendment]

2:13:09 PM

Co-Chair Stedman MOVED to ADOPT Amendment 1 (copy on file).

Co-Chair Bishop OBJECTED for discussion.

Co-Chair Stedman spoke to Amendment 1. He explained that it was a clarifying amendment dealing with the RPL process and receiving federal money outside of legislative session. He said that the amendment would allow for the calling back of the legislature to address federal appropriations. He said that in the event that the legislature could not meet, the governor would have to call a Special Session.

2:15:50 PM

Senator Hoffman observed that there were different repealing dates. He asked what repealing date was envisioned if the amendment were adopted.

[2:16:14 PM](#)

AT EASE

[2:16:54 PM](#)

RECONVENED

ERIN SHINE, STAFF, SENATOR CLICK BISHOP, addressed Senator Hoffman's question. She explained that there was no repeal date for this section outline in the bill. She said that the items were tied to specific packages coming from the federal government, which did not necessitate a repeal date.

[2:17:33 PM](#)

Senator Olson pointed out the date and considered that SNAP benefits were currently under question of continuing. He wondered whether the amendment helped in getting funds to needy families.

Ms. Shine stated that the section did not address SNAP funds. However, Sections 2 and 4 did address the SNAP benefits.

Senator Olson clarified that he was asking about whether there were other programs that would be under pressure that would be alleviated by the amendment.

Ms. Shine considered the way the funds were outlined in Section 12, which were similar to fund that came to the state through the CARES Act. She said that the funds were not for specific programs that functioned through the state Operating Budget or any other appropriation bill.

[2:19:24 PM](#)

Co-Chair Bishop WITHDREW his objection. There being NO further OBJECTION, it was so ordered.

[2:19:42 PM](#)

Senator Wilson MOVED to WITHDRAW Amendment 2 (copy on file). There being NO OBJECTION, it was so ordered.

Senator Wilson MOVED to ADOPT Amendment 3 (copy on file).

Co-Chair Bishop OBJECTED for discussion.

Senator Wilson spoke to Amendment 3. He explained that the amendment related to emergency powers for the Commissioner of the Department of Health and Social Services (DHSS).

2:22:02 PM

Senator Wielechowski asked whether the governor could sign the bill, declare the emergency over, and then have the commissioner of DHSS reestablish a public health emergency that only addressed certain items to capture federal funding.

Ms. Shine interpreted that it was a possibility.

Senator Wielechowski considered the provision in Amendment 3 dealing with emergency procurement. He understood that it allowed for no-bid contract authority. He wondered whether the authority was limited to the section or was it anything related to the emergency that may be redeclared by the commissioner of DHSS.

Ms. Shine read the amendment to indicate that the powers provided to the commissioner of DHSS for emergency procurement specific to the public health emergency requested, and the power specifically numerated to the commissioner of DHSS for declaring a public health emergency, could be found on Page 5 of the bill. She understood that the scope for procurement would be narrow.

Co-Chair Bishop noted that staff from the Legislative Legal Department were available to comment on Senator Wielechowski's question.

Senator Wielechowski wanted more information on no-bid contract emergency procurement powers that would be granted to the governor because of the amendment.

2:24:50 PM

AT EASE

2:26:03 PM

RECONVENED

Senator Wielechowski restated his question about no-bid contract authority.

ANDREW DUNMIRE, LEGISLATIVE COUNSEL, LEGISLATIVE LEGAL DEPARTMENT (via teleconference), responded that the amendment would allow the DHSS commissioner to bypass the normal procurement process for procurement related to a public health emergency.

Senator Wielechowski could not support the amendment.

Senator Olson asked whether there was a cap on the procurement amount allowed under the amendment.

Mr. Dunmire replied in the negative.

Senator Olson expressed concerns similar to Senator Wielechowski and would not support the amendment.

Co-Chair Bishop WITHDREW his objection.

Senator Wielechowski OBJECTED.

A roll call vote was taken on the motion.

IN FAVOR: von Imhof, Wilson, Stedman, Bishop
OPPOSED: Olson, Wielechowski, Hoffman

The MOTION PASSED (4/3).

Senator Wilson MOVED to WITHDRAW Amendment 4. There being NO OBJECTION, it was so ordered.

2:30:02 PM

AT EASE

2:34:26 PM

RECONVENED

Senator Wielechowski addressed the topic of Amendment 5. He shared that he was not happy with the language in the amendment and would not be offering it at this time.

Senator Hoffman understood that the chairman would allow a rewrite of the amendment to be offered before the passage of the legislation.

Senator Wielechowski MOVED to WITHDRAW Amendment 5. There being NO OBJECTION, it was so ordered.

[2:35:36 PM](#)

AT EASE

[2:35:44 PM](#)

RECONVENED

Co-Chair Bishop explained that Amendment 5 would continue to be worked on and would be offered as an amendment on the Senate Floor.

Senator Wielechowski agreed with that assessment.

Senator von Imhof MOVED to ADOPT Amendment 6 (copy on file).

Co-Chair Bishop OBJECTED for discussion.

Senator von Imhof spoke to Amendment 6. She explained that the amendment would extend the sunset date for the School Operating Funds Reserve until 2025.

[2:36:50 PM](#)

Senator Hoffman asked whether the amendment complied with federal regulations pertaining to CARES and CRRSSA funds.

Ms. Shine explained that the amendment addressed school fund balanced and was not tied to actual relief funds received.

Co-Chair Bishop WITHDREW his objection. There being NO further OBJECTION, it was so ordered.

Senator Wilson MOVED to ADOPT Amendment 7 (copy on file).

Co-Chair Bishop OBJECTED for discussion.

Senator Wilson spoke to the amendment. He explained that Section 11 was unfair to healthcare workers and workers excluded in the section.

Senator Wilson MOVED to WITHDRAW Amendment 7. There being NO OBJECTION, it was so ordered.

[2:38:37 PM](#)

Senator Wilson MOVED to ADOPT Amendment 8 (copy on file).

Co-Chair Bishop OBJECTED for discussion.

Senator Wilson explained that the amendment would ensure that Covid-19 relief funds were not used for abortions.

Senator Wielechowski asked whether the amendment was constitutional under the Alaska Constitution.

Mr. Dunmire thought the amendment would have a substantial constitutional question - specifically due to the Alaska Supreme Court case of State versus Planned Parenthood of the Great Northwest.

[2:40:04 PM](#)

Senator Olson asked whether the amendment would interrupt the funds that might come through to the state.

Mr. Dunmire did not think the amendment would interrupt the flow of federal relief funds to the state.

[2:40:55 PM](#)

AT EASE

[2:41:28 PM](#)

RECONVENED

Senator Olson restated his question.

MEGAN WALLACE, DIRECTOR, LEGISLATIVE LEGAL SERVICES, ALASKA STATE LEGISLATURE (via teleconference), thought it was difficult to predict what the substance of a hypothetical lawsuit might be. She did not foresee a challenge to the amendment delaying fund. She considered that the amendment would relate to the states use of the funds after they had been received.

[2:42:52 PM](#)

Senator Wielechowski referenced a case cited by Mr. Dunmire that was thought to be indicative of precedent. He asked about the estimated cost of such a case.

Ms. Wallace did not have the requested information. She thought LFD or OMB could provide the information.

[2:43:49 PM](#)

AT EASE

[2:44:52 PM](#)

RECONVENED

Senator Wielechowski understood that under the Protect Life rule, Title 10 funds were prohibited from being used for abortions. He understood that any COVID-19 funds were already prohibited by law to be spent on abortions.

Ms. Shine noted that the American Rescue Plan Act (ARPA) had not had the Hyde Amendment attached, which was normally attached to appropriation bills since Roe v. Wade. Due to this, if there were available funds that could go to an organization that would provide an abortion, it would be possible. She noted that if there were funds that came through and needed to be appropriated by the legislature, and abortion funding ban could be included.

[2:47:20 PM](#)

Senator von Imhof understood that much of the ARPA funds were going into specific areas such as childcare and heating assistance. She surmised that most of the funds were earmarked for specific expenditures.

Ms. Shine affirmed that much of the funding coming to the state and throughout the country was specifically earmarked for certain things. She said that the legislature could forbid the spending of funds wherever they deemed fit.

[2:48:50 PM](#)

Senator von Imhof thought Ms. Shine was saying that there were federal funds coming to the state that were being used for abortions.

Ms. Shine clarified that she was not saying that federal funds were being used for abortions, but that the Hyde Amendment was not attached to the fund legislation.

[2:49:16 PM](#)

Senator Wielechowski understood that the Protect Life rule would prohibit the funds in questions from being used for abortions. His staff had referenced a research report showing state expenses defending unconstitutional abortion legislation, which totaled several million between 2016 and the present. He thought the state did not have a great track record on such cases and that the amendment spoke to a problem that did not exist.

[2:51:09 PM](#)

AT EASE

[2:51:17 PM](#)

RECONVENED

Senator von Imhof asked whether there was federal money outside of COVID-19 funding that currently paid for abortions in the state.

[2:51:50 PM](#)

AT EASE

[2:53:06 PM](#)

RECONVENED

Senator von Imhof restated her question.

ALEXEI PAINTER, DIRECTOR, LEGISLATIVE FINANCE DIVISION (via teleconference), was not aware of any federal dollars being used in the state to pay for abortions.

Senator von Imhof reiterated that her question was about federal funds outside of COVID-19 relief funds.

Mr. Painter was unaware of any funding specifically related to abortions. He referenced Federal Medical Assistance Percentage (FMAP) funding in a previous bill but did not believe that it would qualify as funding for abortions.

Senator von Imhof understood that in accordance with the 2001 Alaska Supreme Court Order, the Alaska Medicaid Program must, under certain circumstances, provide funding for abortions for women who receive Alaskan Medicaid.

[2:54:44 PM](#)

Ms. Shine affirmed that there were exceptions to prohibitions on abortion funding such as rape, incest, and the health of the woman.

[2:55:12 PM](#)

Senator Wielechowski asked whether the amendment would ban funding for abortions in the case of rape or incest.

Ms. Wallace explained that Amendment 8 would only allow for money from the CARES, CRRSSA, or ARPA to be expended for mandatory services. The circumstance would depend upon whether, in the case of incest, rape, or threat to the woman's life, the service was considered mandatory under AS 47.07.030(a).

Co-Chair Bishop asked whether rape, incest, or health of the woman would fall outside of the amendment.

Ms. Wallace understood that in cases of rape, incest, or threat to the woman's life, the procedure could be considered mandatory.

[2:57:21 PM](#)

Co-Chair Bishop restated his question.

Mr. Dunmire noted that the statute in the amendment mentioned the federal code. He did not know if the circumstances would be mandatory under federal law.

[2:58:38 PM](#)

Senator Olson urged the question.

Senator Wielechowski MAINTAINED his OBJECTION. He thought the amendment was unconstitutional.

A roll call vote was taken on the motion.

IN FAVOR: Olson, Hoffman, von Imhof, Wilson, Stedman, Bishop
OPPOSED: Wielechowski

The MOTION PASSED (6/1). Amendment 8 was ADOPTED.

[2:59:33 PM](#)

AT EASE

[3:03:55 PM](#)

RECONVENED

Senator Wilson MOVED to WITHDRAW Amendment 9 (copy on file). There being NO OBJECTION, it was so ordered.

Senator Wilson MOVED to ADOPT Amendment 10 (copy on file).

Co-Chair Bishop OBJECTED for discussion.

Senator Wilson spoke to Amendment 10. He explained that the amendment would prohibit private and public entities from requiring vaccination for employment or use of services until the vaccine is fully authorized by the Food and Drug Administration (FDA).

[3:06:09 PM](#)

Co-Chair Bishop asked whether the amendment would prohibit an employer to require COVID-19 vaccination as a condition of employment.

Senator Wilson replied in the affirmative.

[3:06:53 PM](#)

Senator Olson asked why the private sector was included in the amendment.

Senator Wilson said it was to provide balance and protect from discrimination.

Senator Olson understood discrimination against race - but thought that private corporations should be held harmless.

Senator Wilson said the amendment proposed to do everything possible to make health safety and wellbeing the standard in the workplace.

[3:08:49 PM](#)

Senator von Imhof had some concerns about telling private businesses what they could and could not do. She also disagreed with putting an unvaccinated person in the same category as a federally protected class.

Senator Olson agreed with Senator von Imhof and thought that the emergency use mad sense as the world was experiencing a pandemic. He thought the public needed to be protected and did not support the amendment.

Co-Chair Bishop MAINTAINED his OBJECTION.

A roll call vote was taken on the motion.

OPPOSED: Hoffman, von Imhof, Olson, Bishop, Stedman
IN FAVOR: Wielechowski, Wilson

The MOTION FAILED (5/2).

CSHB 76(FIN)am was HEARD and HELD in committee for further consideration.

Co-Chair Bishop discussed the agenda for the following day.

#

ADJOURNMENT

3:10:56 PM

The meeting was adjourned at 3:10 p.m.